

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-17 are pending, with Claims 1, 3-9 and 11-17 amended by the present amendment.

In the Official Action the Abstract was objected to; Claims 1-3, 9-11 and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Murphy (U.S. Patent No. 6,564,380); Claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Arai et al. (U.S. Patent No. 6,751,401, hereinafter Arai); Claims 5, 8, 13 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Nelson (U.S. Patent No. 6,496,568); and Claims 6-7 and 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Waytena et al. (U.S. Patent No. 5,978,770, hereinafter Waytena).

Applicants acknowledge with appreciation the personal interview between the Examiner and Applicants' representative on October 27, 2005. During the interview, the Examiner indicated that the present amendment would overcome the present rejections, although further search and consideration was required.

The Abstract is amended as requested in the Official Action. Claims 1, 3-9 and 11-17 are amended to more clearly describe and distinctly claim Applicants' invention. Support for this amendment is found in Applicants' originally filed specification. No new matter is added.

Briefly recapitulating, original Claim 1 is directed to a content distribution notification method of informing a third party by a first party that a content distribution will be performed based on a reservation by a first party distributor terminal apparatus the a reservation for use of a distribution server, via a reservation control apparatus for controlling

a reservation status of the distribution server, via a first network, and for performing a content live distribution using the distribution server based on the reservation, in order to perform the content live distribution using the distribution server for distributing content by streaming via the network to the client terminal apparatus. The content distribution notification method includes a reservation requesting step of sending reservation request information including a desired service time to use the distribution server and third party contact address who should be informed that the content distribution will be performed, from the first party distributor terminal apparatus to the reservation control apparatus via a network. The method also includes a subsequent notifying step of sending the notification information based on the reservation request information and for notifying the third party that the content distribution will be performed, from the reservation control apparatus to the third party contact address via the network when the content distribution using the distribution server in the desired service time included in the reservation request information is permitted.

Murphy describes an Internet-based video feed management system that controls, manages and administers the commercial distribution of live video feed from onsite video cameras as well as other sources of video feeds to production companies and other locations.¹ In Murphy, a requesting party can designate one or more persons authorized to access a video feed at a particular time, such as a director at a terminal for viewing the video feed and a studio technician at another terminal for capturing the video feed for later editing or retransmission. Alternatively, a requesting party can designate a list of subscribers who have paid to view a particular video feed of a live event.²

In one embodiment of Murphy, a master feed list is maintained at a master authorization server. The master feed list is continuously updated with feed availability information sent by local servers. Any party that comes to the master server site can view the

¹ Murphy, Abstract.

² Murphy, column 11, lines 45-52.

master feed list. The master server can provide user functions such as search and query to assist with finding desired video feeds, or allow the user to profile the types of feeds it may want to access and send automatic notification when such feeds become available.³

However, Murphy does not disclose or suggest sending reservation request information to a distribution server, along with contact addresses of clients who should be informed that the content distribution will be performed. Murphy also fails to disclose or suggest a subsequent step of sending notification information based on the reservation request information and for notifying that the content distribution will be performed where the notification is sent to the contact addresses of the client users. That is, Murphy fails to disclose or suggest a method of reserving by a first party content distribution assets on behalf of third parties, and then notifying the third parties of the time that the content will be distributed. Indeed, the only notification function described in Murphy concerns the automatic notification described in column 12. Here the user (i.e., a first party) profiles the types of feed that it, *the first party*, may want to access. That is, the notifications described in Murphy are established *by the first party* and sent *to the first party*. Applicants' claimed invention, however, enables a first party (the user of the claimed distributor terminal apparatus) to make reservation requests on behalf of a third party (the user of the claimed client terminal apparatus) for use of a distribution server via a reservation control apparatus. Murphy fails to disclose or suggest any ability for a distributor of streaming information to make reception reservation requests on behalf of a third party of any kind, let alone making reservations via a reservation control apparatus for the intended recipient of the streaming content for access to the data coming from a distribution server.

Furthermore, as discussed during the interview, Murphy fails to disclose or suggest Applicants' claimed cancellation notice and change notice recited in Claims 4-5 and 12-13.

³ Murphy column 12, lines 23-34.

Also as discussed during the interview, Murphy fails to disclose or suggest Applicants' claimed reconfirmation as recited in Claims 6-7 and 14-15.

MPEP § 2131 notes that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art.” *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in “at least one of two-digit, three-digit, or four-digit” representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Murphy does not disclose or suggest all the features recited in Claims 1, 9 and 17, Murphy does not anticipate the invention recited in Claims 1, 9 and 17, and all claims depending therefrom.

As discussed during the interview, the remaining applied references do not cure the deficiencies of Murphy. As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claims 1, 9 and 17, Applicants submit the inventions defined by Claims 1, 9 and 17, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.⁴

⁴ MPEP § 2142 “...the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
BDL:MM\la

I:\ATTY\MM\AMENDMENT\6541\212768US.AM DUE 11-5-05.DOC

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Michael E. Monaco
Registration No. 52,041